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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,702	12/17/2003	Thomas Grafenauer	03100137US	5695

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

DEVOTI, PAUL D

ART UNIT PAPER NUMBER

3637

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/736,702	GRAFENAUER, THOMAS	
	Examiner	Art Unit	
	Paul Devoti	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The substitute specification was received on 11 October 2006 and is acceptable. The objection to the specification from the previous office action is removed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8, 11-14, 16, 18, 20, are rejected under 35 U.S.C. 102(e) as being anticipated by Palsson et al. (US 2003/0079820).
4. Regarding claim 8, Palsson discloses a building board (1) comprising a first longitudinal edge having a tongue (11), and a second longitudinal edge having a groove (13) bounded by a top lip (B) and a bottom lip (A). The building board also comprises a first transverse edge adjacent to the first and second longitudinal edges and having a tongue, and a second transverse edge adjacent to the first and second longitudinal edges and having a groove (paragraphs 0010, 0011). An upwardly projecting extension on the bottom lip (A) of the second longitudinal edge locks interconnected boards in a

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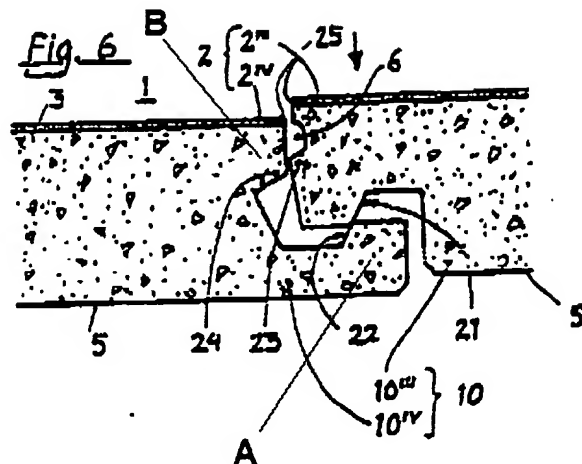
horizontal direction in relation to one another. A front edge of the tongue (13) of the first longitudinal edge comprises a bevel (23). The bottom lip (A) of the second longitudinal edge has a concave recess over its length, and the tongue of the first longitudinal edge has a convex underside which corresponds to the concave recess.

5. Regarding claim 11, the board further comprises a recess (6) formed in the tongue of the first longitudinal edge adjacent to the bevel (23).

6. Regarding claims 12-14, 20, the groove (13) of the second longitudinal edge and second transverse edge comprises a top lip (B) and a bottom lip (A). The bottom lip (A) forms a concave recess inherently capable of accommodating countersunk nail heads or screw heads.

7. Regarding claim 16, the building board (1) comprises a bevel (24) on the top lip (B) of the second longitudinal edge which corresponds to the bevel (23) of the tongue of the first longitudinal edge.

8. Regarding claim 18, the board comprises an upper decorative layer (3) which provides markings on a top side of the board.



Palsson US 2003/0079820 Figure 6

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 6-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820).

11. Regarding claim 1, Palsson discloses everything previously mentioned, but does not disclose the board is made of oriented strand board. The background section (paragraph 0005), however, discloses that floor boards can be made of oriented strand board. Therefore, it would have been obvious to one having ordinary skill in the art at

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the time of invention to modify Palsson's floor board to be made of oriented strand board, as this would provide a strong and durable material for a flooring system.

12. Regarding claim 2, Palsson discloses everything previously mentioned, and see the rejection of claim 8 above.

13. Regarding claim 6, Palsson discloses everything previously mentioned, and see the rejection of claim 18 above. Screws or nails could obviously be fastened along the markings.

14. Regarding claim 7, Palsson discloses everything previously mentioned, and see the rejection of claims 12-14, 20, above.

15. Claims 3, 9-10, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820) in view of Thiers (US 2002/0056245).

16. Regarding claims 3, 9-10, 19, Palsson discloses everything previously mentioned, but does not disclose a chamfer on a top side of the top lip of the second longitudinal edge, or a second chamfer disposed above the tongue of the first longitudinal board. Thiers, however discloses flooring boards (2) having chamfers (15) along the upper edges of the flooring board. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Palsson's board to include chamfers, as this would provide an aesthetically pleasing surface along the upper edges of the board. The chamfers would form a V-shaped joint at the connecting location between two boards.

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17. Claims 4-5, 15, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820) in view of Kornicer et al. (US 2003/0035921).

18. Regarding claims 4-5, 15, 17, Palsson discloses everything previously mentioned, but does not disclose the board comprises four layers and an isocyanate resin, with the outer two layers having strands oriented in a longitudinal direction, and the inner layers having strands oriented predominantly in a transverse direction.

Kornicer, however, discloses a board made of oriented strand board with an isocyanate resin (paragraph 0013). The board comprises four layers (as seen in Figure 1), with the outer two layers having strands oriented in a longitudinal direction, and the inner layers having strands oriented predominately in a transverse direction. It would have been obvious to one having ordinary skill in the art at the time of invention to modify Palsson's floor board to have an isocyanate resin and two outer layers with strands oriented in a longitudinal direction and two inner layers having strands oriented in a transverse direction, as this would provide a strong and durable material for a flooring system.

Response to Arguments

19. Applicant's arguments filed on 11 October 2006 have been fully considered but they are not persuasive.

20. Applicant's arguments with respect to claims 1 and 3-6 in view of Thiers and Kornicer have been considered but are moot in view of the new ground(s) of rejection.

21. Regarding applicant's arguments about the rejection in view of Palsson: Palsson clearly discloses in Figure 6 the tongue (11) having a bevel (23) and a recess (6)

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adjacent the bevel (23). Additionally, the bottom lip (A) of the groove has a concave recess over its entire length, and the tongue (11) has a convex underside which corresponds to the recess. The recess forms a depression along the longitudinal and/or transverse side. At any point along the longitudinal and/or transverse side having a groove there is a depression. Therefore, there would be a plurality of depressions, all of which are obviously capable of accommodating a nail head or screw head.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Devoti whose telephone number is 571-272-2733. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PD 
11/29/06

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

